

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application No. 10/628,464

Filed: July 29, 2003

Art Unit: 1646

Confirmation No. 4703

Title: IDENTIFICATION OF A NOVEL BITTER TASTE RECEPTOR, T2R76

(SECOND) § 1.131 AFFIDAVIT BY THE INVENTORS

We, Huxian Tang, and Alexey Pronin declare and state as follows:

- (1) That we are inventors of the above-identified application.
- (2) That we conceived and reduced our invention entirely in the United States.
- (3) That in that capacity we jointly prepared and executed an invention

disclosure relating to the above-identified patent application. This invention disclosure was attached as an Exhibit to our prior Affidavit and describes inventive activities which were conducted entirely in the United States where the subject Assignee, Senomyx Inc. is located.

(3) That we reviewed the Office Action dated September 6, 2006 in the above-identified patent application relating to the hT2R76 a novel member of the T2R taste receptor family.

(4) That based thereon we understand that the Examiner has concluded that the claims are anticipated or rendered obvious by a PCT application W0/057309, entitled "Novel G protein-Coupled Receptor Protein and DNA Thereof". This PCT patent application has a publication date of July 25, 2002 which predates the earliest priority

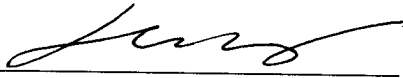
date of the instant patent application which claims priority to and incorporates by reference in its entirety provisional patent application Serial No. 60/398,727 filed on July 29, 2002.

(5) That this reference is not prior art to the subject invention as evidenced by the invention disclosure executed by all of the inventors of this patent application prior to July 25, 2002 which document establishes unequivocally that the present inventors were in possession of the claimed invention prior to the publication date of W01057309. Particularly this invention disclosure contains the hT2R76 nucleic acid sequence and corresponding polypeptide sequence as well as disclosing its identity as a bitter taste receptor and its use in assays for identifying bitter taste modulators as claimed in the patent application at issue herein. [The undersigned note that this invention disclosure has been redacted in several places to protect some confidential information of the present Assignee as permitted but that the execution dates of the signatures contained thereon clearly establish that Senomyx's discovery of a new bitter receptor hT2R76 as claimed herein predates the publication date of the cited PCT reference.]

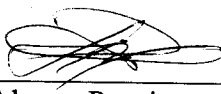
(6) That based thereon, the undersigned respectfully submit that the rejection based on PCT WO 02/057309 should be withdrawn as this document is not available as prior art against the claimed invention.

(7) All statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like may jeopardize the validity of the application or any patent issuing thereon.

11/18/2008
Dated


Huixian Tang

11/18/2008
Dated


Alexey Pronin